

Claims 40-63 are pending in the application. Currently no claim stands allowed. By the present amendment, claims 40, 50, 56, 62 and 63 have been amended.

In the Office Action dated May 9, 2002, claims 51 and 57 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite; claims 40, 41, and 43-63 were rejected under 35 U.S.C. 102(b) as being anticipated by New Glarus Brewing Company Apple Ale Beer or Cock's Fine Brews; claims 40 and 42 were rejected under 35 U.S.C. 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a), as being unpatentable over the drink "Snakebite".

The foregoing rejections are traversed by the present response.

The present invention relates to a method for preparing a beer from a beer wort. The method comprises a step of adding pectin, preferably pectin E440, and a step of centrifuging the wort while in a cooled condition. The pectin adding step comprising adding the pectin in a predetermined proportion in order to inhibit coagulation and precipitation of proteins so as to obtain at least one of a persistent irreversible haze which remains at a temperature of 15°C and of a reversible haze which remains at a temperature below 12°C and disappears at 15°C. The persistent irreversible haze and the reversible haze each have predetermined characteristics in terms of intensity

In the Office Action, claims 51 and 57 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite because it is not clear how they further define the claims from which they depend. A review of the claims show that claim 50 from which both claims 51 and 57 depend refers to adding pectin during the preparing step to maintain a permanent haze during the beer making and in the finished beer. Both claims 51 and 57 further define claim 50 by stating that the pectin addition is pectin E440 which is an amidated pectin. Consequently, claims 51 and 57 are proper dependent claims because they narrow the limitation of claim 50. The Examiner is hereby requested to reconsider his position and withdraw the rejection.

With regard to the rejection of claims 40, 41 and 43-63 under 35 U.S.C. 102(b) as being anticipated by New Glarus Brewing Company Apple Ale Beer or Cock's Fine Brews and further with regard to the rejection of claims 40 and 42 under 35 U.S.C. 102(b) or 35 U.S.C. 103(a) over the drink "Snakebite", it is submitted that none of these references teach or suggest any of the method steps set forth in claims 40-63. In particular, none of these references teach or suggest adding pectin, particularly pectin E440, to a beer wort, cooling the beer wort and/or centrifuging the beer wort while in a cooled condition.

The object of the present invention is to prepare a beer, which means an ordinary and common and traditional beer prepared

lines 1-8 of the specification, secondary effects of organoleptic deviation or appearance of an unacceptable taste.

It is clear that the New Glarus Brewing Company document cited by the Examiner discloses an apple ale. The Examiner considers that this document discloses an apple ale beer, i.e., a beer with a strong taste of apple, and not a conventional common beer. Similarly, the Cock's Fine Brews document discloses a long list of fruit beers prepared using an important number of different fruits. In most countries, the fruit beers cannot be sold as common beers and must indicate that they each are a fruit beer mentioning the proper fruit from which they have been prepared.

The claims of the instant application are directed to a method for preparing a beer, in particular a final product having the taste of a common conventional beer. The claims of the present invention are not directed to the preparation of a fruit beer having a fruit taste.

The New Glarus Apple Ale beer or the Rock's fruit beers are bright and transparent beverages similar to the Pils-type beers. This means that they have been strongly filtered according to the usual filtering step using filtration adjuvants or aids for filtering the wort, after the fermentation step, to eliminate these and other undesired suspended particles in order to obtain a clear and a bright and transparent beverage. None of these

remain in the beverage. Further, none of these documents teach or suggest a method for preparing a beer including a pectin adding step to form a stable and improved permanent haze or an improved reversible haze which appears at low temperature.

The foregoing also applies to the beverage known as "Snakebite" which is composed of equal quantities of cider and beer. Nothing indicates that the beverage called "Snakebite" shows an irreversible permanent haze or a reversible haze at low temperature. In fact, this drink suffers from the deficiency of having a strong taste of cider or apple and thus it cannot be called a beer.

As previously stated, none of the cited and applied references teach or suggest any of the method steps set forth in claims 40-63. If the Examiner is going to continue to rely on the cited and applied references and the drink "Snakebite", he is hereby specifically requested to point out where each references points out each of the method steps set forth in claims 40-63. If the Examiner is unable to clearly point out where these references teach or suggest the claimed method steps, then the rejection should be withdrawn and the claims should be allowed.

For these reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

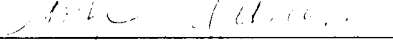
A three month extension of time request and a check in the

additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicants' Attorney at the telephone number listed below.

Respectfully submitted,

PHILIPPE MALCORPS ET AL.

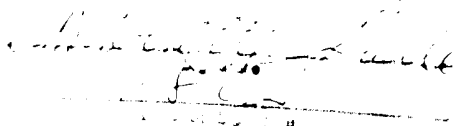
By 
Barry L. Kelmachter
Attorney for Applicants

Area Code: 203
Telephone: 777-6628
Reg. No. : 29,999
Telefax : 865-0297

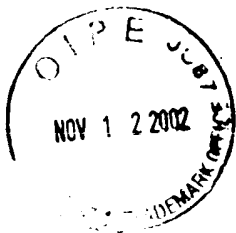
Date: November 8, 2002

November 8, 2002

Antoinette Sullo



u



USSN 09/284,816
AMENDED CLAIMS

40. (Thrice Amended) A method for preparing a beer from a beer wort, said method comprising a [preparing] step [including the step] of adding pectin E 440 and a step of centrifuging the wort while in a cooled condition, said pectin adding step comprising adding pectin E440 in a predetermined proportion in order to inhibit coagulation and precipitation of proteins so as to obtain at least one of a persistent irreversible haze which remains at a temperature of 15°C and of a reversible haze which remains at a temperature below 12°C and disappears at 15°C, said persistent irreversible haze and said reversible haze each having respective predetermined characteristics in terms of intensity and persistence over time in the event of storage.

50. (Twice Amended) A method for preparing a fermented beverage including a beer from a beer wort, said method comprising a preparing step including a step of adding pectin in sufficient amount during said preparing step to maintain a permanent haze during the beer making and in the finished beer, cooling said beer wort, and centrifuging said cooled beer wort.

56. (Twice Amended) A method for preparing a fermented beverage including a beer from a beer wort, said method comprising a preparing step including a step of adding pectin in sufficient amount during said preparing step to maintain a reversible haze during the beer making and in the finished beer, cooling the beer wort after addition of said pectin, and centrifuging the cooled beer wort.

62. (Amended) A method for preparing a beer from a beer wort, said method comprising a step of adding pectin E440 and a step of centrifuging the wort while in a cooled condition, said pectin adding step comprising adding pectin E 440 in a predetermined proportion in order to inhibit coagulation and precipitation of proteins so as to obtain at least one of a persistent irreversible haze which remains at room temperature and of a reversible haze which forms at low temperature and disappears at room temperature, said persistent irreversible haze and said reversible haze each having respective predetermined characteristics in terms of intensity and persistence over time in the event of storage.

step of] a step of adding pectin E440 and a step of centrifuging

the wort while in a cooled state, said pectin adding step
comprising adding pectin E 440 in a predetermined proportion in order to inhibit coagulation and precipitation of proteins so as to obtain at least one of a persistent irreversible haze which remains at a temperature of 20°C and of a reversible haze which remains at a temperature of 2°C and disappears at 20°C, said persistent irreversible haze and said reversible haze each having respective predetermined characteristics in terms of intensity and persistence over time in the event of storage.